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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,754	04/05/2000	Osamu Sekihata	FUSA 17.211	6383
7590	12/28/2004		EXAMINER	
Katten, Muchin, Zavis & Rosenman 575 Madison Ave. New York, NY 10022-2585			HOM, SHICK C	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/543,754	SEKIHATA, OSAMU	
	Examiner Shick C Hom	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 September 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 16-18 is/are allowed.
- 6) Claim(s) 1,5,9 and 12 is/are rejected.
- 7) Claim(s) 2-4,6-8,10,11 and 13-15 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	6) <input type="checkbox"/> Other: _____

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**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilkki et al. (6,167,030) in view of Krone et al. (5,502,817).

Regarding claims 1 and 5:

Kilkki et al. disclose the frame forwarding installation for sending a received frame to a path conforming to a destination address contained in a header of the frame, which has been received from a transmitting terminal, comprising: an application discriminating unit for referring to the header of

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the received frame and determining whether an application of a host layer in the transmitting terminal is a real-time application (see col. 9 lines 21-35 which recite the use of header bits in the frame for the purpose of indicating real-time or non-real-time rt/nrt service class and col. 8 lines 50-64 which recite that upon arrival of a cell at the node, determining whether the cell is associated with a real-time or a non-real-time connection clearly anticipate the application discriminating unit).

For claims 1 and 5, Kilkki et al. disclose all the subject matter of the claimed invention with the exception of the frame transmitting unit for sending the received frame to a plurality of paths in parallel in the direction of a destination if the application is a real-time application.

Krone et al. from the same or similar fields of endeavor teach that it is known to provide the frame transmitting unit for sending the received frame to a plurality of paths in parallel in the direction of a destination if the application is a real-time application (see col. 3 line 55 to col. 4 line 16 which recite using parallel paths for transmitting real-time data between nodes). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to use the frame transmitting unit for

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sending the received frame to a plurality of paths in parallel in the direction of a destination if the application is a real-time application as taught by Krone et al. in the communications installation of Kilkki et al. The frame transmitting unit for sending the received frame to a plurality of paths in parallel in the direction of a destination if the application is a real-time application can be implemented by connecting the transmitting unit including parallel paths of Krone et al. to the installation of Kilkki et al. The motivation for using the frame transmitting unit for sending the received frame to a plurality of paths in parallel in the direction of a destination if the application is a real-time application as taught by Krone et al. in the communication installation of Kilkki et al. being that it provides more efficiency for the system since the system can transmit real-time data at a higher rate to the receiving end.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito (5,751,954) in view of Krone et al. (5,502,817).

Regarding claim 9:

Saito discloses the frame forwarding installation for sending a received frame to a path conforming to a destination

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address contained in a header of the frame, which has been received from a transmitting terminal, comprising: an address-match discriminating unit for determining whether the destination address or transmission-source address contained in the header of the received frame matches an address that has already been registered; and a frame transmitting unit for sending the received frame to a plurality of paths in the direction of a destination if the addresses match (see col. 10 lines 4-44 which recite the destination address contained in the header of the frame and col. 6 lines 56-61 which recite the unit for determining whether the destination address is a registered address before sending the received frame to the direction of the destination).

For claim 9, Saito discloses all the subject matter of the claimed invention with the exception of the frame transmitting unit for sending the received frame to a plurality of paths in parallel in the direction of a destination if the addresses match.

Krone et al. from the same or similar fields of endeavor teach that it is known to provide the frame transmitting unit for sending the received frame to a plurality of paths in parallel in the direction of a destination if the application is a real-time application (see col. 3 line 55 to col. 4 line 16

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which recite using parallel paths for transmitting data between nodes). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to use the frame transmitting unit for sending the received frame to a plurality of paths in parallel in the direction of a destination if the addresses match as taught by Krone et al. in the communications installation of Saito. The frame transmitting unit for sending the received frame to a plurality of paths in parallel in the direction of a destination if the addresses match can be implemented by connecting the transmitting unit including parallel paths of Krone et al. to the installation of Saito. The motivation for using the frame transmitting unit for sending the received frame to a plurality of paths in parallel in the direction of a destination if the addresses match as taught by Krone et al. in the communication installation of Saito being that it provides more efficiency for the system since the system can transmit address matched data at a higher rate to the receiving end.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 12 is rejected under 35 U.S.C. 102(e) as being

anticipated by Yeo et al. (2002/0070958).

Regarding claim 12:

Yeo et al. disclose the frame forwarding installation for receiving a frame, which is directed toward a subordinate destination terminal, from a path and transmitting the frame to the destination terminal, comprising: a storage unit for storing an identifier of a frame that has been transmitted to the destination terminal; and a redundant-frame filter for determining whether the frame identifier of a frame newly received from a path has been stored in said storage unit, discarding the received frame if the received frame is the frame that has already been received, and transmitting the received frame to the destination terminal and storing the identifier of the received frame in said storage unit if the received frame is not the frame that has already been received (see paragraph 0054 which recite identifying and removing redundant frames)

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from the frame store clearly reads on the storage unit  
and the redundant-frame filter for discarding frame  
that has already been received as claimed).

***Allowable Subject Matter***

7. Claims 16-18 are allowed.

8. Claims 1-4, 6-8, 10-11, and 13-15 would be allowable if  
rewritten to include all of the limitations of the base claim  
and any intervening claims.

***Conclusion***

9. The prior art made of record and not relied upon is  
considered pertinent to applicant's disclosure.

Bleecker, III et al. disclose check reading apparatus and method  
utilizing sync tags for image matching.

10. Any inquiry concerning this communication or earlier  
communications from the examiner should be directed to Shick C  
Hom whose telephone number is 571-272-3173. The examiner can  
normally be reached on Monday to Friday with alternate Fridays  
off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SH



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